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EXAMINER

WILLIAMS, JAMILA O

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/524,563
Filing Date: February 14, 2005
Appellant(s): LESUR, JEAN-LUC

Peter T. deVore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5-11-2009 appealing from the Office action mailed 10-27-2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,579,754

MAURER et al

4-1986

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by 4,579,754 to Mauer et al (hereinafter Mauer).

Mauer discloses a personalized multilayer support in the general shape of a card (id card figure 1 and abstract) comprising a card body (13,26) which is provided on an upper face with personal information (21,31) which is visible from the exterior of the support, an at least partially transparent film (11,28) fixed to the upper face of the card body and marker lines (15-19,29,30), which delimit zones of the film having increased mechanical strength, forming tear scores so that the film is torn if an attempt is made to peel off the film (inherently these delimited zones would provide some degree of tearing if peeling was attempted), wherein the marker lines depict at least one identification motif which is visible from the exterior of the support (column 5 lines 4-9), the marker lines comprise weld beads formed at the interface between the film and card body (the examiner

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takes the position that the material remaining between the film and body after heat is transferred to the areas of 15-17 and 29, for example, by the laser constitutes a weld bead).

Mauer discloses the marker lines comprise grooves (17,19,30 for example) formed in at least one of the faces of the film (11,28), as recited in claim 3.

Mauer discloses the grooves pass through the entire thickness of the film (19,30 pass through to card body 13 and 28), as recited in claim 4.

Mauer discloses the marker lines comprise grooves on at least one face of the film and marks and/or welds at the interface between the transparent film and the adjacent card body (17,19,30 can be considered the grooves and 15,16,29 can be considered marks), as recited in claim 5.

Mauer discloses the upper face of the transparent film is covered with a transparent protective layer (figure 3 layer 27 covers layer 28), as recited in claim 6.

Mauer discloses the method of manufacturing a personalized multilayer support comprising an assembly step during which an at least partially transparent film (11, 28) is fixed to the upper surface of a card body (13,26), a personalization step during which personal information (21,31) is placed on the upper face of the card body so that the personal information is visible from the exterior of the support through the transparent film (figure 1) and a security step that is carried out after the assembly step during which marker lines (15-19,29,30) are produced by means of a laser beam (column 5 lines 10-40) so as to delimit

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zones of the film having reduced or increased mechanical strength forming tear scores with a view to causing the film to be torn if an attempt is made to peel the film (inherently these delimited zones of the film would cause some degree of tearing if peeling where attempted), the marker lines are produced by forming weld beads at the interface between the film and card body (the examiner takes the position that the material remaining between the film and body after heat is transferred to the areas of 15-17 and 29, for example, by the laser constitutes a weld bead), as recited in claim 7.

Mauer discloses the marker lines are produced by forming grooves on at least one surface of the film (17,19,30 can be considered the grooves), as recited in claim 8.

Mauer discloses the marker lines are produced by forming grooves on at least one face of the transparent film and marks and/or welds at the interface between the transparent film and the adjacent card body, in line with the grooves (17,19,30 can be considered the grooves and 15,16,29 can be considered marks in line with the grooves), as recited in claim 10.

Regarding claims 11-12, Mauer discloses at least a portion of the marker lines are of the same shape as at least a portion of the personal information (see indicia in figures).

(10) Response to Argument

Regarding appellant's arguments towards the markings of Maurer and the formation of weld beads, the examiner maintains that the melted material

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remaining between the film and card body after the laser is applied constitutes a weld bead. Looking at figure 2 or 3 of Maurer there are several markings created by varying the dosage of energy from the laser. In all instances that is material remaining at the interface between the film and card body that can be considered a weld bead.

It is noted that appellant argues that areas 15-17 and 29 are not formed at the interface. Even if it is deemed that these markings might not be located at the interface, the application of heat from the laser in these areas still leave residual material located at the interface, this material can still be considered a weld bead. The heat from the laser would inherently cause melting of the plastic material in those areas. It is noted that Maurer discloses in column 5 lines 26-30, that increased laser energy causes channel 17 to “form in the film which opens out onto the card surface” creating darkened areas 18. This passage clearly suggest material at the interface of the card in the form of areas 18. Again this can be considered a weld bead.

Alternatively, looking at area 20 for example, although a groove is formed at 19 by the laser, the melted material at 20 clearly occurs at the interface and would be a mixing of the film material melted into the card body.

Regarding appellant's arguments toward Maurer and the delimiting zones not having increased mechanical strength, the examiner maintains that the pooling or melting of the material from the laser at the card body would provide some

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degree of increased strength in the area of the laser application. The mechanical strength in the area of the laser would be higher because the heat is causing some degree of melting of the plastic with the card body, this forming an increase in material in the area and thereby increasing the mechanical strength.

Regarding the appellant's arguments towards Maurer and the marker lines delimiting zones of the film or forming tear scores if an attempt is made to peel the film from the card, the examiner maintains that the areas exposed to the laser would inherently provide a delimiting zone if peeling of the film is attempted. Merely by the nature of the material, the areas that have been altered by the heat of the laser would tear before those areas of the film that have been unaltered.

For the reasons set forth above, the rejections to Maurer are maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jamila Williams

/J. W./

Examiner, Art Unit 3725

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Conferees:

/Dana Ross/

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